

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PATTIE ANN PUSATERI, as Administrator for the Estate of  
GREGORY LEE GALLAWAY,

Plaintiff,

v.

CITY OF DUNKIRK,  
CITY OF DUNKIRK POLICE DEPARTMENT,  
CITY OF DUNKIRK POLICE OFFICER  
DENISE ZENTZ,  
CHAUTAUQUA COUNTY,  
CHAUTAUQUA COUNTY SHERIFF  
JAMES B. QUATTRONE,  
JOHN AND/OR JANE DOE(S) said being  
CHAUTAUQUA COUNTY SHERIFF DEPUTIES,  
CHAUTAUQUA COUNTY SHERIFF  
SERGEANT FULLER,  
JOHN AND JANE DOE(S) said being  
CHAUTAUQUA COUNTY JAIL PERSONNEL,  
ANGELA M. DAMORE, FNP-C,  
AMY MEYER, RN,  
CHAUTAUQUA COUNTY SHERIFF'S DEPUTY TANNER  
DELAHOY bearing Badge Number 5100,  
CHAUTAUQUA COUNTY SHERRIFF'S DEPUTY ROBERTS  
bearing Badge Number 5108,  
CHAUTAUQUA COUNTY SHERRIFF'S DEPUTY ROBERT  
BURRELL bearing Badge Number 5060,  
CHAUTAUQUA COUNTY SHERRIFF'S SERGEANT  
WESTFAHL bearing Badge Number 671,

Civ. No.: 1:20-cv-00427

Defendants.

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**NOTICE OF MOTION**

**NATURE OF ACTION:**

Negligence / Medical Malpractice / Civil Rights.

**MOVING PARTY:** Defendants, County of Chautauqua, Chautauqua County Sheriff James B. Quattrone, Chautauqua County Sheriff's Sergeant Fuller, Chautauqua County Sheriff's Sergeant Westfahl, Chautauqua County Sheriff's Deputy Tanner Delahoy, Chautauqua County Sheriff's Deputy Roberts, Chautauqua County Sheriff's Deputy Robert Burrell, Angela Damore, FNP-C, Amy Meyer, RN., John and/or Jane Doe(s) said being Chautauqua County Sheriff Deputies, and John and/or Jane Doe(s) said being Chautauqua County Jail Personnel.

**DIRECTED TO:** Plaintiff.

**DATE AND TIME:** To be scheduled by the Court.

**PLACE:** To be determined by the Court.

**SUPPORTING PAPERS:** Declaration of Peter L. Veech, with Exhibits A-B, and Memorandum of Law.

**ANSWERING PAPERS:** If any, are due fourteen (14) days from the service of this motion pursuant to Local Rule 7(b)(2)(B), unless the Court issues an Order setting deadlines pursuant to Local Rule 7(b)(1).

**REPLY PAPERS:** Defendants intend to file and serve reply papers.

**RELIEF REQUESTED:** An Order: (1) dismissing Plaintiff's sixth, seventh, ninth, tenth, and twelfth causes of action in their entireties and with prejudice; (2) dismissing Plaintiff's fourth, fifth, eighth, eleventh, and thirteenth causes of action as set forth in the accompanying Memorandum of Law; and (3) for such other and further relief as the Court deems to be necessary and proper.

**GROUND FOR RELIEF:** F.R.C.P. 12(b)(6).

**ORAL ARGUMENT:** Requested.

Dated: November 2, 2020

**WEBSTER SZANYI LLP**

Attorneys for Defendants,  
*County of Chautauqua, Chautauqua County  
Sheriff James B. Quattrone, Chautauqua  
County Sheriff's Sergeant Fuller, Chautauqua  
County Sheriff's Sergeant Westfahl,  
Chautauqua County Sheriff's Deputy Tanner  
Delahoy, Chautauqua County Sheriff's Deputy  
Roberts, Chautauqua County Sheriff's Deputy  
Robert Burrell, Angela Damore, FNP-C, Amy  
Meyer, RN, John and/or Jane Doe(s) said  
being Chautauqua County Sheriff Deputies,  
and John and/or Jane Doe(s) said being  
Chautauqua County Jail Personnel*

By: *s/Peter L. Veech*

Michael P. McClaren

Peter L. Veech

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**BOUVIER LAW LLP**

Paul F. Hammond, Esq.

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*And City of Dunkirk Police Officer Denise Zentz*

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